

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **IN THE STATE OF ARIZONA**

3
4 In the Matter of

Case No. MD-99-0826

5 **JOHN KREMPEN, M.D.**

INVESTIGATION NO. 13312

6 Holder of License No. **8444**
7 For the Practice of Medicine
8 In the State of Arizona.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

(Letter of Reprimand)

9 **INTRODUCTION**

10 This matter was considered by the Arizona Board of Medical Examiners
11 ("Board") at its public meeting on December 15, 2000. John Krempen, M.D. appeared
12 before the Board without legal counsel, for the purpose of the Board conducting a
13 formal interview, pursuant to the authority vested in the Board by A.R.S. § 32-1451(G).
14 After due consideration of the facts and law applicable to this matter, the Board voted
15 to issue the following findings of fact, conclusions of law and order.

16 **FINDINGS OF FACT**

- 17 1. The Board is the duly constituted authority for the regulation and control
18 of the practice of allopathic medicine in the State of Arizona.
- 19 2. Dr. Krempen is the holder of License No. 8444 for the practice of
20 medicine in the State of Arizona.
- 21 3. Board Investigation No. 13312 was initiated after the Board was notified,
22 pursuant to a complaint from a 53-year-old male patient.
- 23 4. Investigation revealed that on October 3, 1995, the patient suffered an
24 injury to his right arm as a result of a fall. The patient presented to the
25 emergency room at Carondelet St. Mary's Hospital in Tucson, Arizona,

1 for evaluation. There it was determined that the patient had a fracture
2 dislocation of the right elbow. The ER physician, after consultation with
3 Dr. Krempen, reduced and splinted the elbow. The patient was admitted
4 for further evaluation. Dr. Krempen noted a fracture at the proximal third
5 of the radius that was displaced and made no mention of a radial head
6 fracture.

7 5. Dr. Krempen performed an open reduction and internal fixation of the
8 right radial proximal third with an AO one-third semitubular plate and five
9 compression screws with a fasciotomy of the forearm.

10 6. Postoperatively an x-ray report indicated a right radial head fracture with
11 intra-articular extension. The patient was discharged in good condition
12 on October 5, 1995.

13 7. Four days later, Dr. Krempen noted that the patient's elbow was
14 dislocated and unsuccessfully attempted to reduce the dislocation in his
15 office. Dr. Krempen admitted the patient to St. Mary's Hospital and
16 performed an open reduction internal fixation of the dislocation.
17 Postoperatively the patient appeared to be doing better. However, on
18 February 6, 1996, Dr. Krempen again saw the patient, noted he was
19 doing fine. An x-ray showed he was almost completely healed. It was
20 noted that the plate had broken and "that there was no problem."

21 8. On June 14, 1996, Dr. Krempen noted that there were problems with
22 loss of pronation and supination and extension but did not plan to
23 perform any more surgery.

24 9. On July 23, 1996, the patient indicated increased pain in the wrist and
25 Dr. Krempen indicated that further surgery would be required. The

1 patient was referred to another orthopedic physician who indicated there
2 was a non-union of the proximal third radial fracture and bone loss at the
3 site of the fracture along with a displaced intra-articular radial head
4 fracture. The patient underwent further surgery which involved removal
5 of the original hardware, excising the radial ulnar synostosis, an open
6 reduction internal fixation of the radius and an ulnar shortening and
7 capsulotomy of the elbow.

8 10. Dr. Krempen's failure to document the comminuted radial head fracture
9 fell below the standard of care.

10 11. Dr. Krempen's inappropriate fixation of the comminuted fracture of the
11 proximal radial fracture also fell below the standard of care.

12 13 **CONCLUSIONS OF LAW**

14 1. The Board possesses jurisdiction over the subject matter hereof and
15 over Dr. Krempen, pursuant to A.R.S. § 32-1401 *et seq.*

16 2. The conduct and circumstances described above in paragraphs 4
17 through 9 constitute unprofessional conduct pursuant to A.R.S. § 32-
18 1401(25)(II) "Conduct that the Board determines is gross negligence,
19 repeated negligence or negligence resulting in harm to or death of a
20 patient."

21 **ORDER**

22 Based on the foregoing Findings of Fact and Conclusions of Law,

23 IT IS HEREBY ORDERED that a letter of reprimand be issued to Dr. Krempen for
24 inappropriate, improper stabilization of a fracture and not documenting the radial head
25 fracture.

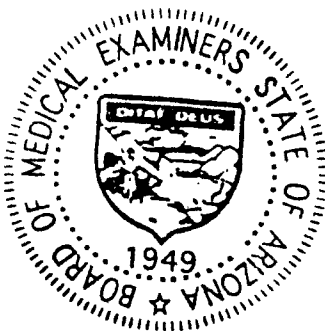
1 RIGHT TO PETITION FOR REVIEW

2 Dr. Krempen is hereby notified that he has the right to petition for a rehearing.
3 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with
4 the Board's Executive Director within thirty (30) days after service of this Order and
5 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
6 rehearing. Service of this Order is effective five (5) days after the date of mailing. If a
7 motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days
8 after it is mailed to Dr. Krempen.

9 Dr. Krempen is further notified that the filing of a petition for rehearing is required to
10 preserve any rights of appeal to the Superior Court that he may wish to pursue.

11 DATED this 22 day of January, 2001.

12
13 (SEAL)



BOARD OF MEDICAL EXAMINERS
OF THE STATE OF ARIZONA

14
15
16 By

Tom Cladman

17
18
19 CLAUDIA FOUTZ
Executive Director

20 ORIGINAL of the foregoing filed
21 this 23 day of January, 2001, with:

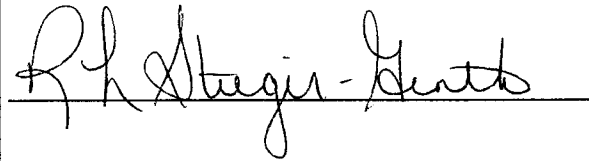
22 The Arizona Board of Medical Examiners
23 9545 East Doubletree Ranch Road
24 Scottsdale, Arizona 85258
25

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 23 day of January 2001, to:

3 John Frank Krempen, M.D.
4 2421 East Sixth St. - Ste. #1
Tucson, AZ 85719

5 COPY of the foregoing hand-delivered this
6 23 day of January, 2001, to:

7 Richard F. Albrecht, Esq., Assistant Attorney General
8 c/o Arizona Board of Medical Examiners
9 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258
Counsel for the Board

10 
11 _____
12
13
14
15
16
17
18
19
20
21
22
23
24
25